APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,023	01/15/2002	William Kress Bodin	AUS920010579US1	5710

34533   7590   07/24/2008

INTERNATIONAL CORP (BLF)
c/o BIGGERS & OHANIAN, LLP
P.O. BOX 1469
AUSTIN, TX 78767-1469

EXAMINER
CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
07/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/047,023	BODIN ET AL.
	Examiner	Art Unit
	SUMAIYA A. CHOWDHURY	2623

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *14 April 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4,6-9,11,12 and 14-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4,6-9,11,12 and 14-16* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/14/08 have been fully considered but they are not

    persuasive.

    (a) Applicant argues "Lee does not teach or suggest downloading records in

dependence upon priority" on page 10, 4th paragraph of the Remarks filed 4/14/08.

    Traffic alerts are provided to the user in real time when there is a traffic delay on

the user's route (col. 12, lines 13-18). Delayed personalized digital broadcasts are

provided to the user, however not in real time (col. 11, lines 44-52). Unlike personalized

digital broadcasts, traffic alerts have higher priority since they are provided in real time

as opposed to at a later time.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

    obviousness rejections set forth in this Office action:

    > (a) A patent may not be obtained though the invention is not identically disclosed or described as set
    > forth in section 102 of this title, if the differences between the subject matter sought to be patented and
    > the prior art are such that the subject matter as a whole would have been obvious at the time the
    > invention was made to a person having ordinary skill in the art to which said subject matter pertains.
    > Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 6-9, 11-12, and 14-16, are rejected under 35 U.S.C. 103(a) as being

    unpatentable over Lee in view of Ellis (7185355) and Welk (5828585).

    As for claim 1, Lee teaches a method of providing preferred location specific

content for interleaving into broadcast content, the method comprising the steps of:

storing user preferences in user preference records in a content server (30 – fig. 3; col. 11, lines 41-52);

storing location specific content (LSC) in LSC records in the content server (ads, navigation services, traffic alerts; col. 11, lines 24-41, col. 11, line 60-col. 12, line 3, col. 12, lines 13-17), wherein LSC records comprise data elements comprising digital content, content type, and target location (fig. 5; col. 5, lines 52-63, col. 7, lines 4-23).

receiving, from a digital communications network, a location of a user client device (col. 6, lines 54-67, col. 7, lines 19-24, col. 14, lines 10-15, lines 54-65, col. 11, lines 30-35);

determining local date and time at the location of the user client device (col. 11, lines 31-34);

storing more than one indication of the location of the user client device and, associated with each such indication of location of the user client device, the local time when the user client device was at the location (In order to provide traffic alerts and navigation services, the location of the user is needed – col. 7, lines 19-25, col. 8, lines 37-41);

Calculating direction (route) of travel of the user client device (col. 11, line 60-col.12, line 18)

creating preferred location specific content (PLSC) records in the content server, the creating carried out in dependence upon the LSC records, the user preferences, the location of the user client device, and the local date and time at the location of the client device (Based on the above factors, navigation services and traffic alerts are provided.

Col. 11, line 24-col. 12, line 19), wherein creating preferred location specific content

(PLSC) records in dependence upon the user preferences, the location of the user client

device, and the local date and time at the location of the client device further comprises

creating preferred location specific content (PLSC) records in dependence upon the

user preferences, the location of the user client device, the local date and time at the

location of the client device, and the direction of travel of the user client device (col. 11,

line 24-col. 12, line 45); and

downloading the PLSC records through the digital communications network from

the content server to the user client device (col. 11, line 24-col. 12, line 19), wherein the

PLSC records to be downloaded include priority, and downloading the PLSC to the user

client device further comprises:

downloading the PLSC to the user client device in dependence upon priority

(Traffic alerts are provided to the user in real time when there is a traffic delay on

the user's route (col. 12, lines 13-18). Delayed personalized digital broadcasts

are also provided to the user (col. 11, lines 44-52). Unlike personalized digital

broadcasts, traffic alerts have higher priority since they are provided in real time

as opposed to at a later time.) and excluding priority from the downloaded PLSC

records (After the content is downloaded, priority is no longer associated with it.

Priority is associated with it when the event occurs in order to alert the user.).

However, Lee fails to teach:

data elements comprising: duration, relevant date range, and relevant time

range.

calculating, in dependence upon the stored indications of location and time, a speed of the user client device;

In an analogous art, Ellis teaches providing a program guide which lists the duration of a program, and the relevant date range, and relevant time range (col. 4, lines 37-47).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Lee's invention to include the above mentioned limitation, as taught by Ellis, for the advantage of providing a means for a user to select content from based on a desired time and date.

However, Lee and Ellis fail to teach:

calculating, in dependence upon the stored indications of location and time, a speed of the user client device;

In an analogous art, Welk teaches calculating, in dependence upon the stored indications of location and time, a speed of the user client device (col. 7, line 64-col. 8, line 5)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Lee and Ellis' invention to include the above mentioned limitation, as taught by Welk, for the advantage of determining the position of the vehicle when GPS signals are unavailable.

As for claim 2, Lee teaches wherein storing LSC further comprises receiving user preferences entered by a user through a browser (col. 12, lines 28-44).

As for claim 3, Lee teaches storing LSC further comprises data mining LSC from vendors' customer databases ("ads mesh with that individual's buying interests" – col. 11, lines 42-52, col. 11, line 65-col. 12, line 5).

As for claim 4, Lee teaches wherein user preference records comprise data elements comprising priority (Alerts user when predetermined events such as when a stock reaches a set value, or when there is a traffic delay on the user's route; col. 12, lines 13-18) and user preferences (col. 11, line 42-col. 12, line 18).

As for claim 6, Lee teaches wherein PLSC records comprise data elements comprising digital content (col. 11, lines 25-42, col. 11, line 60-col. 12, line 18), duration, and user identification (col. 11, lines 42-52, col. 14, lines 1-10). Ellis teaches data elements comprising duration (col. 4, lines 37-47)

As for claim 7, Lee teaches wherein creating PLSC records further comprises selecting LSC records in dependence upon the user preferences, the location of the user client device (col. 11, line 42-col. 12, line 18), and the local date and time at the location of the client device (Lee's system uses GPS; it is inherent for a GPS system to determine local date and time).

As for claim 8, Lee teaches wherein creating PLSC records further comprises selecting LSC records having content types, target locations, and relevant date and time ranges that match, for a user, the user preferences from a user preference record for the user, the location of the user client device associated with the user, and the local date and time at the location of the user client device associated with the user (col. 11, line 42-col. 12, line 18).

As for claim 9, Lee teaches downloading the PLSC records to the user client device further comprises downloading the PLSC to the user client device at the network address for the user client device within the digital communications network, wherein the PLSC so downloaded comprises digital content (col. 11, line 24-col. 12, line 18). Ellis teaches the program guide downloaded comprises duration of programs (col. 4, lines 37-47).

As for claim 11, Lee teaches wherein downloading the PLSC to the user client device further comprises downloading the PLSC to the user client device at the address with which the user client device is associated in the digital communications network, wherein the PLSC downloaded comprises digital content and priority (col. 12, lines 13-18). Ellis teaches the program guide downloaded comprises duration of programs (col. 4, lines 37-47).

As for claim 12, Lee teaches periodically repeating the steps of receiving a location, determining local date and time (Lee's system uses GPS; it is inherent for a GPS system to determine local date and time), creating PLSC records, and downloading the PLSC records to the user client device. (In order to provide navigation guidance, the current location is continuously transmitted to the server – col. 8, lines 37-50).

Claim 14 contains the limitations of claim 12 and is analyzed as previously discussed with respect to that claim. Claim 14 additionally calls for the following which Welk teaches:

calculating a repetition rate for the step of periodically repeating, wherein calculating a repetition rate is carried out in dependence upon the speed of the user client device (The higher the speed, the more latitude and longitude point are covered. As a result, the vehicle's coordinates are transmitted more often).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Lee's invention to include the above mentioned limitation, as taught by Welk, for the advantage of obtaining accurate navigation information.

As for claim 15, Lee teaches:

calculating a calculated area of relevance; and selecting LSC records having

target locations within the calculated area of relevance (col. 11, line 60-col. 12, line 18).

As for claim 16,　Lee teaches wherein calculating a calculated area of relevance

further comprises projecting where the client device will probably be for a relevant

period of time, wherein the projecting is accomplished in dependence upon the direction

(route) of the client device (col. 11, line 60-col. 12, line 18).

The combination of Lee and Welk teaches calculating a calculated area of

relevance based upon the speed (Welk: abstract, col. 7, line 64-col. 8, line 5).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2623

/Sumaiya A Chowdhury/
Examiner, Art Unit 2623